

ICO Gifts and Hospitality policy



1.	Scope
1.1	This policy applies to all employees of the Information Commissioner's Office. The policy should also be considered by Non-Executive Directors when they are engaged on business explicitly for the Information Commissioner's Office.
2.	Introduction
2.1	This policy provides guidance on what to do if you are offered gifts and/or hospitality.
2.2	<p>The ICO Code of Conduct for staff states that:</p> <p>"You should not use your official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour, to any person."</p> <p>Therefore, you should not receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement and integrity, or the judgement and integrity of the ICO.</p>
2.3	The policy is designed to help staff with complying with the above and seeks to protect staff and the ICO from accusations of showing favour to any organisation (such as a data controller against which we are engaged in or considering formal enforcement action). The policy also aims to ensure that conduct in relation to gifts and hospitality is compliant with the Bribery Act 2010, offenses under which can be punished by a prison term of up to 10 years. Similar policies exist across the public sector.
3.	Guiding Principles
3.1	The main consideration when deciding whether to accept any gifts and/or hospitality should be the public perception of the ICO receiving such a gift or hospitality. Ask yourself: <u>would an average member of the public think that the gift and/or hospitality might influence how the ICO acts?</u> Even if you do not think that you will be influenced, you need to consider this question from the perspective of a member of the public.
3.2	There will often be an element of judgement in coming to a decision. If in doubt, err on the side of caution and do not accept the gift and/or hospitality. If you are aware of such an offer in advance (this is more commonly the case with hospitality than with a gift) you may be able to discuss a decision with the Head of Finance, Director of Finance, or the Senior Corporate Governance Manager.

3.3	<p>You should never accept any gift and/or hospitality from any person or organisation against which you know we are engaged in or considering formal enforcement action. You should also never accept any gift and/or hospitality from any person or organisation with which you know we are considering entering into a contract. Please note, there is not an expectation that you will be aware of all of the ICO's work; rather, the expectation is that if you <i>are</i> aware of such work, you should act accordingly.</p> <p>If you are unsure about this issue, please contact Corporate Governance, who will advise you accordingly.</p>
3.4	<p>Gifts are easily defined – they are physical objects offered by a person or organisation outside of the ICO. However, hospitality can be more difficult to define. This could be travel, accommodation, food, drink, entertainment, a cultural or sporting event (participating or spectating) or anything similar which is offered by a person or organisation outside of the ICO.</p> <p>In some instances, gifts and hospitality may be combined (e.g. a commemorative item may be provided as part of a hospitality event).</p>
4.	Gifts
4.1	<p>Gifts are categorised based on their value. In most circumstances, this will need to be estimated based on the rough market value of equivalent goods. When considering the value of a gift, you should consider all gifts received from one person or organisation over a reasonable timescale as a single gift (e.g. if you receive five items each worth £5, you should consider them as a single gift worth £25)</p> <p>The categories of gifts are as follows:</p>
4.2	<p><u>Category A – Gifts of little or no intrinsic value:</u> These are smaller gifts, such as those typically handed out at conferences (e.g. pens, diaries etc.). These gifts are often primarily marketing tools and typically cost less than £5. These types of gifts can be accepted and kept by the individual. They do not need to be recorded in the Gift and Hospitality Register.</p>

4.3	<p><u>Category B – Gifts with an estimated intrinsic value of £5-£25:</u> These are typically gifts given in gratitude or to mark an occasion (such as Christmas). Examples of gifts which may be received in this category are alcohol, flowers or foodstuffs. These types of gifts can be accepted, but should normally be raffled or shared. If a gift is not appropriate to be raffled (such as where the gift is perishable or unsuitable for storage until a raffle can be completed), the gift may be consumed by teams or departments, at the discretion of managers. When a gift is raffled, raffle tickets should be made available to all staff and the proceeds will be donated to charity. Gifts received in this category should be recorded in the Gift and Hospitality Register (see paragraph 7)</p>
	<p>In some instances, you may come to realise that the value of the gift is higher than your original estimate and should not have been accepted. In circumstances such as this, you should return the gift (if practical), providing a letter to explain the reason.</p>
4.4	<p><u>Category C – High Value Gifts:</u> On some occasions, gifts of a high value (in excess of £25) will be offered. These gifts should not be accepted, as accepting such gifts may look to people outside the organisation as if they have been offered in order to compromise the judgement or integrity of the organisation.</p> <p>In some circumstances, it may be difficult to refuse a high value gift (for example, when it is offered by an international delegation and refusal could cause offence). In these circumstances, the gift can be accepted. If appropriate, the gift may then be raffled, donated to charity. If that is not appropriate, the gift will always be held by the ICO as a whole, rather than by the individual to whom it was offered.</p> <p>Any gift offered in this category must be recorded in the Gift and Hospitality Register (see paragraph 7), even if it is refused.</p>

4.5	<p>Category D - Gifts from any organisation against which, to the best of your knowledge, we are engaged in or considering formal enforcement action, or are considering entering in to a contract: These gifts should never be accepted, regardless of their value, as there is a clear risk that this would create a perception outside the organisation of an attempt to compromise the ICO's judgement or integrity. If offers of gifts in this category fall in to the criteria of Category B or C Gifts, they should be recorded in the Gift and Hospitality Register (see paragraph 7).</p> <p>In some instances, you may become aware that an organisation is subject to an ICO investigation until after you have accepted a gift. For example, some investigations are not widely publicised until they have reached a relatively advanced stage. It is not expected that you will always be aware of all aspects of the ICO's work. In instances where you do become aware of such work, you should consider returning the gift, providing a letter to explain the reason.</p>
5.	Hospitality
5.1	<p>Hospitality in the form of reasonable refreshments, intrinsic to another event (such as tea or coffee, a working lunch, or a lunch provided as part of an all-day training course), can be accepted. Hospitality such as this does not need to be recorded in the Gift and Hospitality Register. However you may need to note that you received refreshments when making expense claims.</p>
5.2	<p>If hospitality is not incidental to an event (such as a meal in a restaurant prior to a meeting, where little or no discussion of the subject of the meeting is anticipated) this should be considered as outlined at paragraph 5.3.</p>
5.3	<p>Offers of other hospitality need to be considered carefully. The three principles which should be considered are:</p> <ul style="list-style-type: none"> - Purpose – is the hospitality in the interests of the ICO and does it further the ICO's objectives? Is there a genuine business reason to accept the hospitality? - Proportionality – hospitality should not be over-frequent from the same source as such hospitality could create the perception that a person or organisation is influencing the ICO. Hospitality should also not be over-generous (either because it is particularly lavish or because it is disproportionate to the relationship between the ICO and the individual or organisation) - Conflict of interest – you should always consider the relationship between the ICO as a whole and the person or organisation offering the hospitality. If the ICO engaged in or considering formal enforcement action against the person or organisation, or is considering entering in to a contract with the organisation, you should never accept the offer of hospitality.

5.4	Hospitality which is proportionate, for a clear business purpose and does not create a conflict of interest can be accepted and should be recorded in the Gifts and Hospitality Register (see paragraph 7).
5.5	Hospitality which is disproportionate, without a clear business purpose or may create a conflict of interest must be refused . The offer of hospitality should still be recorded in the Gifts and Hospitality Register (see paragraph 7).
5.6	Typically, offers of hospitality are made well in advance of the event in question. Therefore, you should be able to discuss a decision with the Head of Finance, Head of Organisational Development or the Senior Corporate Governance Manager.
6.	Travel, other costs and gifts associated with attending a conference as a speaker
6.1	It is ICO policy to ask for the travel and subsistence costs of an ICO speaker to be paid by commercial conference organisers. Receipts can be kept by the ICO.
6.2	For decisions regarding attendance at a conference as a speaker, please refer to the Speaking and Engagement Policy.
6.3	In some instances, as part of a request for an ICO speaker at an event, there may be an associated offer of a gift or hospitality. Such offers will never factor into the decision of whether to accept or reject the request for an ICO speaker.
6.4	Once a decision has been made on whether to accept the speaking request, a decision should be made on the offered gift, in line with the principles set out in section 4 and 5.
6.5	On some occasions, there will be an offer from the organisers to make a donation to a charity in the ICO's name. This is acceptable, although you must ensure that the charity to which the donation is being made is appropriate (it may be useful to use the Third-Party Collaboration Policy to consider this). You should also ensure that the donation should not be excessive. However, there is no definition of excessive; you will need to judge this on a case-by-case basis. You can consult with colleagues, the Senior Corporate Governance Manager or the Director of Finance if you need further advice.
6.6	If the speaking request is rejected, the gift or hospitality must always be rejected. In such circumstances, the offer of a gift or hospitality does not need to be recorded within the gift and hospitality register.

7.	Gifts and hospitality register
7.1	The Gifts and Hospitality register is kept by the Facilities Team in Wycliffe House.
7.2	If you receive a gift or hospitality which has to be recorded you will need to speak to Facilities to update the register. They will also store gifts which need to be kept. In addition the Corporate Governance Team is responsible for providing an electronic list of the gifts and hospitality received each quarter to Corporate Communications to place on the website.
7.3	You should register your gift as soon as you receive it. If you forget to register a gift please do so as soon as possible. It is better to register the gift late than to not register it at all. If you do not register a gift that becomes publicly known about, this could create a perception that the ICO is hiding the gift.
8.	Purchasing gifts or providing hospitality
8.1	The purchase of gifts or provision of hospitality, using ICO funds, should only be considered in exceptional circumstances. When considering purchase of gifts or providing hospitality using ICO funds, you should always remember that these are public funds, and that the ICO is primarily funded by small businesses. When providing gifts or hospitality, you should always ensure that it is appropriate for the event, and could not be considered to be in any way excessive.
8.2	The purchase of gifts will normally only be appropriate where they are to be presented by senior officials when it is anticipated that a gift may be offered and it is considered necessary to reciprocate or it is culturally appropriate. Occasionally, it may also be appropriate to present a gift to a visiting or overseas VIP.
8.3	<p>The current limits on expenditure on officials gifts are as follows:</p> <ul style="list-style-type: none"> - To senior government officials, an information commissioner, or equivalent - £30; - To junior government officials or equivalent - £25; - To liaison officers/tour organisers or equivalent - £15. <p>You should usually consult the Head of Finance before purchasing gifts. In exceptional circumstances, the purchase of a gift may need to exceed these limits. In such circumstances, the Director of Finance must be informed.</p>

8.4	In some circumstances, the ICO may be expected to provide hospitality for official visitors (for example, delegations from other data protection authorities). The definitions of hospitality are the same as those set out in paragraphs 5.1 and 5.2. Reasonable refreshments are not considered to be hospitality. In deciding whether to provide hospitality, the same considerations as set out in paragraph 5.3 apply.
8.5	There is no specific price limit on the level of spend per head for providing hospitality, as there will be a significant degree of variation based on the seniority of the people for whom the hospitality is being provided and the area of the UK in which the hospitality is being provided. The key consideration should be whether the level of hospitality provided would be considered by the public to be proportionate for the visitors in question .
8.6	All gifts or hospitality should be paid for on a corporate credit card whenever possible.
8.7	All gifts or hospitality provided by the ICO must be recorded within the Gifts and Hospitality register.
8.8	Note that ICO funds can never be used to contribute to a charity.
9.	Regional offices
9.1	Regional offices should maintain their own registers and should send an electronic version each quarter to the Wycliffe House Facilities Team for publication on the website.
9.2	Decisions on what to do with gifts received by Regional Offices should be taken by the Head of ICO Regions, bearing in mind this policy. Gifts could be raffled to staff or donated to local charities.
10.	Reward schemes
10.1	Reward schemes (such as Air Miles) are not considered to be gifts or hospitality. When benefits from such schemes are obtained via work purchases (e.g. travel tickets) they should be used for work purposes if at all possible. Purchase of anything involving such schemes should always comply with relevant corporate policies.

Author: Chris Braithwaite

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7.2	Version control details added. Added clarification on purchasing gifts and hospitality, gifts around speaking engagements, the gifts and hospitality register, and compliance with other corporate policies when using reward schemes.	16/9/21	Chris Braithwaite